

In The United States District Court
Middle District Of Pennsylvania

Robert L. Longo JR

vs.
Hannah Trostle, RNS
Mr. Arguelles, PA
Dr. Voorstout, MD

FILED
SCRANTON

OCT 20 2023

PER z/p
DEPUTY CLERK

No. 3:22-CV-1199
Judge: Mariani

Statement Of Material Facts

Now Comes Robert L. Longo JR, the Pro-Se Plaintiff in this action, and hereby files this Statement Of Material Facts, as follows:

1.) Plaintiff initiated this instant 42 U.S.C. § 1983 action by filing a Complaint in the United States District Court for the Middle District of Pennsylvania on August 2, 2022 (ECF No. 1). On June 23, 2023, Plaintiff filed an Amended Complaint (ECF No. 27).

2.) In the original and Amended Complaints, the Plaintiff alleges that the Medical Defendants violated his Federal Constitutional rights by being deliberately indifferent to his serious medical needs from April 2021 until the present date. He also raises a state law negligence claim.

3.) Plaintiff's medical records from the Pennsylvania Department of Corrections provides very little evidence to the Plaintiff's medical care from the Medical Defendants.

4.) Paragraphs 4-13 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

5.) On April 6, 2020, Plaintiff was seen by Defendant Arguelles and was prescribed Motrin. Plaintiff did state he had lower back discomfort but was denied any relief.

6.) Paragraphs 15-31 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

7.) On April 26, 2021, Plaintiff was seen again by Defendant Arguelles for lower back pain and asserted the severity of the pain. Relief was denied again.

8.) On April 30, 2021, Plaintiff was seen again by Defendant Arguelles for the low back pain. Plaintiff stated he was in severe pain and that the medications did not work. He was denied any pain relief, but was only given bottom bunk status for two weeks.

9.) Paragraph 34 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

10.) On May 4, 2021, Plaintiff had X-Rays taken of his lower back.

11.) Paragraph 36 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

12.) On May 18, 2021, Plaintiff was seen by Defendant Arguelles and reiterated that the low back pain was so severe that he was crawling on the floor to use the bathroom. Plaintiff was denied any relief, including a spinal specialist.

13.) Paragraph 38 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

14.) On June 7, 2021, Plaintiff was seen for his low back pain. Plaintiff was in distress due to the pain and requested stronger medication but was denied. He reiterated his requests for a spinal specialist but was again denied.

15.) On July 2, 2021, Plaintiff was again seen but was denied pain relief. He complained of numbness in legs and feet, and complained of falling, weakness in legs and feet.

16.) On August 4, 2021, Plaintiff was seen again about the lower back pain and requested again for a spinal specialist. Plaintiff was denied relief for both issues.

17.) Paragraph 42 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

18.) On August 12, 2021, Plaintiff was never seen and he never requested to reschedule his appointment with Defendant Voorstad.

19.) On August 23, 2021, Plaintiff requested pain relief due to medication not being effective, requested to see Defendant Voorstad, and wanted a spinal specialist. All requested relief was denied.

20.) On September 13, 2021, Plaintiff again requested to see Defendant Voorstad due to the low back pain being so severe it caused leg numbness and caused him to fall constantly. Pain relief was denied as well as being able to see Defendant Voorstad.

21.) Paragraph 46-62 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

22.) On February 10, 2022, Plaintiff was seen for low back pain but was denied pain relief.

23.) Paragraphs 64-66 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

24.) On February 24, 2022, Plaintiff was seen for low back pain but was denied any relief from the pain.

25.) Paragraph 68 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

26.) On March 7, 2022, Plaintiff was seen by Defendant Voorstad and during said visit Defendant Voorstad denied him pain relief and a second opinion by a spinal specialist.

27.) Paragraphs 70-72 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

28.) On April 18, 2022, Plaintiff was seen by Defendant Voorstad and was given a steroid injection in his spine and was denied again a spinal specialist.

29.) Paragraphs 74-75 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

30.) On May 10, 2022, Plaintiff was seen for his low back pain and reiterated his requests for pain medication and a second opinion. Both requests were denied.

31.) Paragraphs 77-78 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

32.) On June 3, 2022, Plaintiff was seen and was given topical lidocaine but was otherwise denied pain relief and spinal specialist opinion.

33.) On June 20, 2022, Plaintiff was seen but no relief was given for the low back pain.

34.) Paragraphs 81-84 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

35.) On August 19, 2022, Plaintiff was seen but was given no relief for the back pain.

36.) Paragraph 86 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

37.) On September 8, 2022, Plaintiff was seen and he continued to reiterate that he needed pain relief and a spinal specialist. Both requests were denied.

38.) Paragraph 88 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

39.) On September 28, 2022, Plaintiff was seen by Defendant Voorstad and was denied pain relief and a spinal specialist.

40.) Paragraphs 90-98 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

41.) On February 22, 2023, Plaintiff was seen by Defendant Voorstad and any relief requested by Plaintiff was denied.

42.) On April 5, 2023, Plaintiff was seen and any requested relief was denied.

43.) Paragraphs 101-103 pertains to nothing mentioned in the Complaint and is therefore denied any mentioning in this Statement Of Material Facts.

44.) On June 9, 2023, Plaintiff was seen but all relief requested was denied.

45.) On June 22, 2023, Plaintiff was seen by Defendant Voorstad but relief was denied to pain relief and a second opinion was being considered.

46.) On July 5, 2023, Plaintiff was seen by Defendant Voorstad to the request of a second opinion by a spinal specialist being approved almost one year after filing this S1983 action but pain relief was again denied.

47.) These are the Statement Of Material Facts presented to this Honorable Court by the Plaintiff. This Court will see that the Medical Defendants were deliberately indifferent to his serious medical needs. Therefore Summary Judgment should be denied and this case be set for Pre-Trial Conference and/or Mediation.

Respectfully Submitted,

Robert L. Longo JR
Robert L. Longo JR; #MCU-5290

SCJ - Camp Hill

2500 Lisburn Road

Camp Hill, PA 17001

Plaintiff Pro-Se

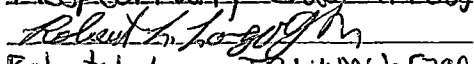
Date: 10/17/2023

Proof Of Service

I, certify that on this date, I sent a true and correct copy of the foregoing Statement Of Material Facts via first-class mail to the following:

Keanna Seabrooks, Esq.
Samuel Foreman, Esq.
Weber Gallagher
Four PPG Place, 5th Floor
Pittsburgh, PA 15222

Date: 10/17/2023

Respectfully Submitted,

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Plaintiff Pro-Se

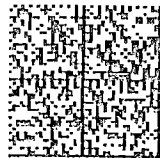
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